

NONINTERSTATE HIGHWAYS  
MAXIMUM GROSS WEIGHT TABLE  
~~LIVESTOCK OR CONSTRUCTION~~ COMMERCIAL MOTOR VEHICLE

Distance in feet	6 Axles	7 Axles
44	80,500	80,500
45	81,000	81,500
46	81,500	82,500
47	82,000	83,500
48	83,000	84,000
49	83,500	85,000
50	84,000	86,000
51	84,500	87,000
52	85,000	88,000
53	86,000	88,500
54	86,500	89,500
55	87,000	90,500
56	87,500	91,500
57	88,000	92,000
58	89,000	93,000
59	89,500	94,000
60	90,000	95,000
61		95,500
62		96,000

(2) Notwithstanding any provision of this section to the contrary, the maximum gross weight allowed to be carried on a noninterstate highway by a livestock vehicle with five axles, a minimum distance in feet between the centers of the first and fifth axles of sixty-one feet, and a minimum distance between the two rear axles of at least eight feet and one inch is eighty-six thousand pounds.

Approved April 15, 2010

## CHAPTER 1140

### TRAFFIC AND WILDLIFE CONSERVATION OFFENSES AND MAGISTRATE JURISDICTION

S.F. 285

**AN ACT** relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 321.24, Code 2009,<sup>1</sup> is amended by adding the following new subsection:

NEW SUBSECTION. 12. A person who violates this section commits a simple misdemeanor.

<sup>1</sup> According to enrolled Act; the phrase "Code Supplement 2009" probably intended

Sec. 2. Section 321.95, Code 2009,<sup>2</sup> is amended to read as follows:

**321.95 Right of inspection.**

1. Peace officers shall have the authority to inspect any vehicle or component part in possession of a vehicle rebuilder, vehicle salvager, used vehicle parts dealer or any person licensed under chapter 322, or found upon the public highway or in any public garage, enclosure or property in which vehicles or component parts are kept for sale, storage, hire or repair and for that purpose may enter any such public garage, enclosure or property. Every vehicle rebuilder, vehicle salvager, used vehicle parts dealer, or any person licensed under chapter 322, or a person having used engines or transmissions which are component parts for sale shall keep an accurate and complete record of all vehicles demolished and of such component parts purchased or received for resale as component parts in the course of business. These records shall contain the name and address of the person from whom each such vehicle or component part was purchased or received and the date when the purchase or receipt occurred or the junking certificate if required for the vehicle. These records shall be open for inspection by any peace officer at any time during normal business hours. Records required by this section shall be kept for at least three years after the transaction which they record.

2. A person who violates this section commits a simple misdemeanor.<sup>3</sup>

Sec. 3. Section 321.96, Code 2009, is amended to read as follows:

**321.96 Prohibited plates — certificates.**

1. A person shall not display or cause or permit to be displayed, or have in the person's possession, a vehicle identification number or component part number except as provided in this chapter, or a canceled, revoked, altered, or fictitious registration number plates, registration receipt, or certificate of title, as the same are respectively provided for in this chapter.

2. A person who violates this section commits a simple misdemeanor.

Sec. 4. Section 321.122, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A person who violates this section commits a simple misdemeanor.

Sec. 5. Section 321.189, subsection 7, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. A person who violates this subsection commits a simple misdemeanor.

Sec. 6. Section 321.208A, Code 2009, is amended to read as follows:

**321.208A Operation in violation of out-of-service order — penalties.**

1. A person required to hold a commercial driver's license to operate a commercial motor vehicle shall not operate a commercial motor vehicle on the highways of this state in violation of an out-of-service order issued by a peace officer for a violation of the out-of-service rules adopted by the department. A driver who violates an out-of-service order commits a simple misdemeanor and shall be subject to a fine of not less than two thousand five hundred dollars upon conviction for the first violation of an out-of-service order and not less than five thousand dollars for a second or subsequent violation of an out-of-service order in separate incidents within a ten-year period.

2. An employer shall not knowingly allow, require, permit, or authorize an employee to drive a commercial motor vehicle in violation of an out-of-service order. An employer who violates this subsection commits a simple misdemeanor and shall be subject to a fine of not less than two thousand seven hundred fifty dollars and not more than twenty-five thousand dollars.

<sup>2</sup> According to enrolled Act; the phrase "Code Supplement 2009" probably intended

<sup>3</sup> According to enrolled Act; but see 2009 Iowa Acts, chapter 130, §39 and Iowa Code section 321.95, Code Supplement 2009

Sec. 7. Section 321.236, Code 2009,<sup>4</sup> is amended by adding the following new subsection:  
NEW SUBSECTION. 15. A violation of a local ordinance, rule, or regulation promulgated under the authority of this section shall be prosecuted under the local ordinance, without reference to this section.

Sec. 8. Section 321.285, Code 2009,<sup>5</sup> is amended by adding the following new unnumbered paragraph after subsection 7:

NEW UNNUMBERED PARAGRAPH. A person who violates this section for excessive speed in violation of a speed limit commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 5, paragraph "a". A person who violates this section for excessive speed as an operator of a school bus commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 10, paragraph "a". A person who violates any other provision of this section commits a simple misdemeanor.

Sec. 9. Section 321.371, Code 2009, is amended to read as follows:

**321.371 Clearing up wrecks.**

1. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

2. A person who violates this section commits a simple misdemeanor.

Sec. 10. Section 321.373, Code 2009, is amended by adding the following new subsection:  
NEW SUBSECTION. 8. A person who violates this section commits a simple misdemeanor.

Sec. 11. Section 321.379, Code 2009, is amended to read as follows:

**321.379 Violations.**

No A school board, individual, or organization shall ~~not~~ purchase, construct, or contract for use, to transport pupils to or from school, any school bus which does not comply with the minimum requirements of section 321.373 and any individual, or any member or officer of such board or organization who authorizes, the purchase, construction, or contract for any such bus not complying with these minimum requirements ~~shall be guilty of a misdemeanor punishable as provided in section 321.482~~ commits a simple misdemeanor.

Sec. 12. Section 321.406, Code 2009, is amended to read as follows:

**321.406 Cowl lamps.**

1. Any A motor vehicle may be shall not be equipped with not more than two side cowl or fender lamps which shall. Such lamps shall emit only an amber or white light without glare.

2. A person who violates this section commits a simple misdemeanor.

Sec. 13. Section 321.408, Code 2009, is amended to read as follows:

**321.408 Back-up lamps.**

1. Any A motor vehicle may be equipped with a back-up lamp either separately or in combination with another lamp; except that no such.

2. A back-up lamp shall not be continuously lighted when the motor vehicle is in forward motion.

3. A person who violates this section commits a simple misdemeanor.

Sec. 14. Section 321.431, Code 2009, is amended by adding the following new subsection:  
NEW SUBSECTION. 6. A person who violates this section commits a simple misdemeanor.

Sec. 15. Section 321.452, Code 2009, is amended to read as follows:

**321.452 Scope and effect.**

1. Except for offenses punishable under the provisions of section 321.463 it is a misdemeanor, punishable as provided in section 321.482, for any A person to shall not drive or move or for, and the owner to of such vehicle shall not cause or knowingly permit to be driven or moved, on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter, and the maximum size and weight of vehicles herein

<sup>4</sup> According to enrolled Act; the phrase "Code Supplement 2009" probably intended

<sup>5</sup> According to enrolled Act; the phrase "Code Supplement 2009" probably intended

specified shall be lawful throughout this state, and local authorities shall have no power or authority to alter said limitations except as express authority ~~may be~~ is granted in this chapter.

2. A person who violates this section commits a simple misdemeanor.

Sec. 16. Section 321.463, subsection 12, Code 2009,<sup>6</sup> is amended to read as follows:

12. A person ~~who issues or executes, or causes shall not issue or execute, or cause to be issued or executed, a bill of lading, manifest, or shipping document of any kind which states a false weight of the cargo set forth on such bill, manifest, or document, which is less than the actual weight of the cargo, shall, upon conviction, be guilty of a simple misdemeanor.~~

Sec. 17. Section 321.463, Code 2009,<sup>7</sup> is amended by adding the following new subsection:

NEW SUBSECTION. 13. A person who violates this section commits a simple misdemeanor.

Sec. 18. Section 321.467, Code 2009, is amended to read as follows:

**321.467 Retractable axles.**

1. A vehicle which is a model year 1999 or later vehicle shall not operate on a highway of this state with a retractable axle unless the weight on the retractable axle can only be adjusted by means of a manual device located on the vehicle that is not accessible to the operator of the vehicle during operation of the vehicle. However, the controls for raising and lowering the retractable axle may be accessible to the operator of the vehicle while the vehicle is in operation.

2. A person who violates this section commits a simple misdemeanor.

Sec. 19. Section 321.484, Code 2009, is amended to read as follows:

**321.484 Offenses by owners.**

1. It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

~~1.~~ 2. The owner of a vehicle shall not be held responsible for a violation of a provision regulating the stopping, standing, or parking of a vehicle, whether the provision is contained in this chapter, or chapter 321L, or an ordinance or other regulation or rule, if the owner establishes that at the time of the violation the vehicle was in the custody of an identified person other than the owner pursuant to a lease as defined in chapter 321F or pursuant to a rental agreement as defined in section 516D.3. The furnishing to the county attorney where the charge is pending of a copy of the lease prescribed by section 321F.6 or rental agreement that was in effect for the vehicle at the time of the alleged violation shall be prima facie evidence that the vehicle was in the custody of an identified person other than the owner within the meaning of this subsection. Upon receipt of such evidence, the appropriate authority shall dismiss as against the owner of the vehicle any citation issued for a violation within the meaning of this subsection that occurred while the vehicle was in the custody of the identified person.

~~2.~~ 3. If a peace officer as defined in section 801.4 has reasonable cause to believe the driver of a motor vehicle has violated section 321.261, 321.262, 321.264, 321.341, 321.342, 321.343, 321.344, or 321.372, the officer may request any owner of the motor vehicle to supply information identifying the driver. When requested, the owner of the vehicle shall identify the driver to the best of the owner's ability. However, the owner of the vehicle is not required to supply identification information to the officer if the owner believes the information is self-incriminating.

4. A person who violates this section commits a simple misdemeanor.

Sec. 20. Section 321.487, Code 2009, is amended to read as follows:

**321.487 Violation of promise to appear.**

<sup>6</sup> According to enrolled Act; the phrase "Code Supplement 2009" probably intended

<sup>7</sup> According to enrolled Act; the phrase "Code Supplement 2009" probably intended

1. Any person willfully violating a citation to appear in court given as provided in this chapter, is guilty of a simple misdemeanor, ~~punishable as provided in section 321.482~~ regardless of the disposition of the charge upon which the person was cited. Venue shall be in the county where the defendant was to appear or in the county where the person resides.

2. An appearance in response to such citation may be made either in person or by counsel.

Sec. 21. Section 321E.11, Code 2009, is amended to read as follows:

**321E.11 Daylight movement only — exceptions — holidays.**

1. Movements by permit in accordance with this chapter shall be permitted only during the hours from thirty minutes prior to sunrise to thirty minutes following sunset unless the issuing authority determines that the movement can be better accomplished at another period of time because of traffic volume conditions or the vehicle subject to the permit has an overall length not to exceed one hundred feet, an overall width not to exceed eleven feet, and an overall height not to exceed fourteen feet, four inches, and the permit requires the vehicle to operate only on those highways designated by the department. Additional safety lighting and escorts may be required for movement at night.

2. Except as provided in section 321.457, no movement by permit shall be permitted on holidays, after twelve o'clock noon on days preceding holidays and holiday weekends, or special events when abnormally high traffic volumes can be expected. Such restrictions shall not be applicable to urban transit systems as defined in section 321.19, subsection 2. For the purposes of this chapter, holidays shall include Memorial Day, Independence Day, and Labor Day.

3. A person who violates this section commits a simple misdemeanor.

Sec. 22. Section 481A.135, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. An indictment or trial information for a violation requiring an enhanced penalty under this section shall specify the underlying violation committed by the person.

Sec. 23. Section 602.6405, subsection 1, Code 2009, is amended to read as follows:

1. Magistrates have jurisdiction of simple misdemeanors regardless of the amount of the fine, including traffic and ordinance violations, and preliminary hearings, search warrant proceedings, county and municipal infractions, and small claims. Magistrates have jurisdiction to determine the disposition of livestock or another animal, as provided in sections 717.5 and 717B.4, if the magistrate determines the value of the livestock or animal is less than ten thousand dollars. Magistrates have jurisdiction to exercise the powers specified in sections 556F.2 and 556F.12, and to hear complaints or preliminary informations, issue warrants, order arrests, make commitments, and take bail. Magistrates have jurisdiction over violations of section 123.49, subsection 2, paragraph "h". Magistrates who are admitted to the practice of law in this state have jurisdiction over all proceedings for the involuntary commitment, treatment, or hospitalization of individuals under chapters 125 and 229, except as otherwise provided under section 229.6A; nonlawyer magistrates have jurisdiction over emergency detention and hospitalization proceedings under sections 125.91 and 229.22. Magistrates have jurisdiction to conduct hearings authorized under section 809.4.

Approved April 21, 2010

**CHAPTER 1141**  
**IOWACARE PROGRAM CHANGES**  
*S.F. 2156*

**AN ACT** relating to the IowaCare program, and providing for repeals.

*Be It Enacted by the General Assembly of the State of Iowa:*

DIVISION I  
IOWACARE PROGRAM UPDATE

Section 1. Section 249J.5, subsections 1, 2, 7, 8, and 9, Code 2009, are amended to read as follows:

1. Except as otherwise provided in this chapter, an individual nineteen through sixty-four years of age shall be eligible solely for the expansion population benefits described in this chapter when provided through the expansion population provider network as described in this chapter, if the individual meets all of the following conditions:

a. The individual is not eligible for coverage under the medical assistance program ~~in effect on or after April 1, 2005.~~

b. The individual has a family income at or below two hundred percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

c. The individual fulfills all other conditions of participation for the expansion population described in this chapter, including requirements relating to personal financial responsibility.

2. Individuals otherwise eligible solely for family planning benefits authorized under the medical assistance family planning services waiver, ~~effective January 1, 2005, as described in 2004 Iowa Acts, chapter 1175, section 116, subsection 8,~~ may also be eligible for expansion population benefits provided through the expansion population provider network.

~~7. The department shall contract with the county general assistance directors to perform intake functions for the expansion population, but only at the discretion of the individual county general assistance director.~~

~~8.~~ 7. If the department provides intake services at the location of a provider included in the expansion population provider network, the department shall consider subcontracting with local nonprofit agencies to promote greater understanding between providers, under the medical assistance program and included in the expansion population provider network, and their recipients and members.

~~9.~~ 8. Following initial enrollment, an expansion population member shall reenroll annually by the last day of the month preceding the month in which the expansion population member initially enrolled. The department may provide a process for automatic reenrollment of expansion population members.

Sec. 2. Section 249J.6, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

~~Beginning July 1, 2005, the~~ The expansion population shall be eligible for all of the following expansion population services:

Sec. 3. Section 249J.6, subsection 2, Code 2009, is amended to read as follows:

2. a. Each expansion population member ~~who enrolls or reenrolls in the expansion population on or after January 31, 2007, shall participate, in conjunction with receiving~~ receive a single comprehensive medical examination and ~~completing a personal health improvement plan, in a health risk assessment coordinated by a health consortium representing providers, consumers, and medical education institutions annually.~~ The criteria for the department may implement a web-based health risk assessment, ~~the comprehensive medical examination, and the personal health improvement plan shall be developed and applied in a manner that takes into consideration cultural variations that may exist within the expansion population for expansion population members that may include facilitation, if deemed to be cost-effective to the program.~~ The health risk assessment shall utilize a